

NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES
POLICY AND PROCEDURE DIRECTIVE

SUBJECT: ACCOUNTING FOR DISCLOSURE OF PROTECTED HEALTH
INFORMATION

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ORIGINAL DATE: 07/18/02

REVIEW/REVISE DATE: 03/01/07, 2/18/10

APPROVAL: Rosalynne Reynolds {s}, Agency Director

I. PURPOSE

The purpose of this policy is to delineate the procedure by which NNAMHS will comply with the consumer's right to an accounting of disclosures of protected health information.

II. POLICY

It is the policy of NNAMHS to provide consumer's with an accounting of disclosures of protected health information upon request. The accounting is limited to information disclosed after April 14, 2003.

III. REFERENCES

1. Health Insurance Portability and Accountability Act Section 164.528.
2. NNAMHS Notice of Privacy Practices.

IV DEFINITIONS

1. PHI: Protected Health Information
2. TPO: Treatment, payment, operations. TPO is defined for the consumer in the NNAMHS Notice of Privacy Practices.
3. Business Associates: A person or entity that performs a function or activity on behalf of NNAMHS that includes NNAMHS PHI. Business Associates are not considered staff.
4. HIPAA: Health Insurance Portability and Accountability Act.
5. Accounting for Disclosure: A list of entities/persons outside NNAMHS that PHI has been released to. This does not include federal or state required releases.

V PROCEDURE

1. The consumer may request an accounting of disclosures that were made during the six years prior to the date of the consumer's request, unless the consumer requests a time period shorter than six years. Requests for accounting will be submitted to the Health Information Services Department (HIS), on the MR 250 "Request for Accounting of Disclosures."
 - a. The right to receive an accounting exists for as long as NNAMHS maintains the PHI.
2. Fees
 - a. NNAMHS will provide the first accounting of disclosures at no cost.
 - b. A fee of \$ 10.00 will be charged for subsequent requests made in the same 12-month period. The patient will be notified of the amount due prior to processing the request to allow the consumer to withdraw or modify the request for an accounting to avoid or reduce the fee.
3. NNAMHS will respond to a consumer's request for an accounting of disclosure within 30 days. A 30-day extension is allowed if needed to process the request. The consumer will be notified in writing within the 30-day period, of the reason for

the delay and the date the accounting will be provided. Only one such extension will be made.

4. The copy of the Disclosure Tracking Log MR 251 will be provided to the consumer and will include the following for each PHI:
 - a. Date of disclosure.
 - b. Name (and address if known) of the entity or person who received the PHI.
 - c. Brief description of the PHI disclosed (such as 10/12/03 CBC).
 - d. Brief statement explaining the reason PHI was disclosed.
 - i) If multiple disclosures were made for the same reason to one entity or person, those items will be listed only for the first disclosure. The numbers of disclosures made during the accounting period and the date of the last disclosure will be stated.
 - e. The Disclosure Tracking Log will be maintained in the consumer's record and updated as disclosures are processed by staff including, but not limited to Health Information Services (HIS), social workers, nursing, psychologists, service coordinators, physicians, Allied Health, Administration, billing, etc.
 - f. After a request for an Accounting of Disclosure is received, and upon request by HIS, Program Evaluation will provide the HIS Department with a tracking log of data transferred electronically. This will be provided to the consumer with the manual tracking log.
5. The HIS Department and Program Evaluation will maintain logs entitled Requests for Accounting of Disclosure. The logs will contain the following:
 - a. date of request
 - b. who requested the information
 - c. date range requested
 - d. name and title of staff who released information
 - e. date information was provided

6. An Accounting is required for:
 - a. Release to entities outside NNAMHS such as employers, attorneys, etc.
 - b. Release by business associates: Consumers have a right to an accounting from NNAMHS business associates. Upon request by the consumer, the business associates will assume responsibility to provide the consumer with an accounting of disclosures made by the business associate. Contracts with business associates will stipulate cooperation with this requirement.
7. An Accounting is not required for:
 - a. Disclosures related to treatment at NNAMHS or disclosures made to individuals involved in consumer care.
 - b. Disclosures related to payment of bills incurred at NNAMHS.
 - c. Disclosures related to health care operations such as evaluation by internal or external auditors for quality of care or performance of staff.
 - d. Disclosures made to the consumer.
 - e. Disclosures required by federal, state or local law, judicial proceedings or law enforcement.
 - f. Disclosures for public health activities.
 - g. Disclosures to avoid harm.
 - h. Disclosures for specific Government functions, i.e., protecting the President of the United States.
 - i. Appointment reminders.
 - j. Disclosures from the Patient Directory.
 - k. Disclosures made before the compliance deadline for HIPAA Privacy regulations (April 14, 2003).
 - l. Disclosures made with the consumer's authorization.
8. NNAMHS must temporarily suspend an individual's right to receive an Accounting of Disclosure if a health oversight agency or law enforcement agency provides

NNAMHS with a written statement that such an accounting to the consumer would be reasonably likely to impede the agency's activities and specifying the time for which a suspension is required,

- a. The MR 252 "Suspension of Accounting of Disclosure", will be used by the agency or official making the statement.
- b. The Suspension of Accounting of Disclosure, MR 252 notice will be placed in the front of the record by the HIS Department.
- c. At the end of the specified suspension, NNAMHS will provide the consumer with the requested 'Accounting of Disclosure'.